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IN THE

Supreme Court of the United States

OCTOBER TERM, 1938.

No. 286.

THE UNITED STATES OF AMERICA,
Appellant,

v.

MIDSTATE HORTICULTURAL COMPANY, INC., AND ARPAXAT SETRAKIAN.

ON APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE EASTERN DISTRICT OF PENNSYLVANIA.

MEMORANDUM

In re STATEMENT OPPOSING JURISDICTION AND MOTION TO DISMISS OR AFFIRM.

SAMUEL L. EINHORN,
HENRY SILVERMAN,
Counsel for Appellees.

SEPTEMBER 23, 1938.

ALLEN, LANE & SCOTT, PHILADELPHIA

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The Appellee, The Pennsylvania Railroad Company, in a memorandum filed in this Court on September 20, 1938, in the case of *United States of America* v. *The Pennsylvania Railroad Company,*

(No. 287, present Term) has submitted a supplemental memorandum. As the issues in the two cases are identical, and the facts differ in no pertinent respect, the appellees, Midstate Horticultural Company and Arpaxat Setrakian, believe it is unnecessary to do more in the instant case than to refer to the memorandum hereinbefore referred to, filed on September 20, 1938, with this Court by the Pennsylvania Railroad Company and in which the appellees concur.

Appellees respectfully submit that this Court is without jurisdiction under Section 682 of Title 18 to entertain this direct appeal.

Respectfully submitted,

SAMUEL L. EINHORN,
HENRY SILVERMAN,
Counsel for Appellees.

SEPTEMBER 23, 1938.